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REMARKS

Claims 1-28 are pending in the application. Claims 1-28 were rejected. Claims 1, 18 and 23 have been amended. Applicant respectfully requests reconsideration in light of the following remarks.

CLAIM REJECTIONS UNDER 35 USC §102

The Office Action has rejected claims 23-24 and 26-28 under 35 USC 102 as being anticipated by *Keller* et al. (US Publication 2003/0050849A1).

As to claim 23, *Keller* teaches: "A method that includes, (a) from a communication link, receiving items of data from suppliers with respect to products offered by the suppliers for sale to sellers of the products, different items of data being received in different formats, (b) expressing the different data items in a common format, and (c) storing the different data items as expressed in the common format in a single database table structure." [from *Keller* Abstract]. *Keller* does not teach or suggest a second node connected to the first node within a network, as stated in the preamble of claim 23 of the instant application. *Keller* is not concerned with transferring data from one node to another node, depending upon certain conditions, as in the instant application. *Keller* is mainly concerned with linking manufacturers and retailers via webpages to a large database in order to improve the retail process. See *Keller*, paragraph 10: "[0010] FIG. 1 shows a system that provides manufacturers with Internet and web based

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software technology and business process solutions for their interactions with retailers. The system enables manufacturers to provide retailers with a quick and easy way to place orders electronically without the need for the retailer to acquire or implement EDI or other kinds of electronically-enabled transaction protocols." From *Keller*, paragraph 11: "[0011] As described in more detail later, the *Keller* system uses a meta database architecture that permits manufacturers to easily deliver and update the manufacturer's web site content and to replenish information from any existing enterprise resource planning (ERP) system."

Keller employs a job scheduling tool [ref. 400 of Figure 8, paragraph 45:1-7] to send transaction log rows to a manufacturer. *Keller* does not teach "monitoring the availability of raw business data at the first node" as in the instant application. The claimed invention teaches the method of monitoring the first node to determine if a buffer is full [see paragraph 15: "This period of time may be an interval selected by the programmer or the time at which a certain amount of data is accumulated (e.g., a buffer is filled)." *Keller* does not monitor a buffer before transferring data. *Keller's* job scheduling tool is merely a dispatcher that dispatches any data that it receives, as it comes in.

Keller does not teach the step of "determining whether to transform the raw business data to transformed data based on relevant second node conditions." In fact, the data flow in *Keller* is pre-determined based on the type of data and no consideration is given to transforming data based on any relevant conditions of a second node. See *Keller*, paragraph 51: "Typically, non-transactional data flows in a single direction (manufacturer to server site), while transactional data (as discussed earlier) will be both to and from the manufacturer."

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Keller does not teach or suggest the step of "transforming the raw business data to transformed data at the second node when any of the relevant second node conditions is satisfied." *Keller* simply places data in database tables; no attempt is made to determine if any second node conditions have been satisfied.

Keller does not teach or suggest any of the method steps of claim 23. For a reference to anticipate a claim, each element and limitation of the claim must be found in the reference. Hoover Group, Inc. v. Custom Metalcraft, Inc., 66 F.3d 299, 302 (Fed. Cir. 1995). Therefore, claim 23 is not anticipated by *Keller* and its rejection should be reversed.

Claim 24 is dependent on claim 23 and as such, is allowable for at least the same reasons that claim 23, the base claim of which it depends, is allowable.

Claim 26 is dependent on claim 23 and as such, is allowable for at least the same reasons that claim 23, the base claim of which it depends, is allowable.

Claim 27 is dependent on claim 23 and as such, is allowable for at least the same reasons that claim 23, the base claim of which it depends, is allowable.

Claim 28 is dependent on claim 23 and as such, is allowable for at least the same reasons that claim 23, the base claim of which it depends, is allowable.

CLAIM REJECTIONS UNDER 35 USC §103

The Office Action rejected claims 1-22, and 25 under 35 USC 103(a) as being unpatentable over *Keller* et al. in view of *Jani* et al. (US Publication 2005/0049974 A1).

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As to claim 1, referring to the previous anticipation arguments regarding claim 23, *Keller* does not teach the step of "determining a period of time when the raw business data is to be processed for conversion to transformed data;" or the steps of "determining whether to transform the data" or the steps of "converting" and "sending the raw business data."

The Office Action concedes that *Keller* does not teach "wherein the local processing conditions comprise one of a need for the transformed data in the first node and a availability of processing resources for processing in the first node during the period of time." The Office Action states that *Jani* teaches this element missing from *Keller* and that it would have been obvious to combine the two teachings. Applicant submits that *Jani* would not have suggested anything to those skilled in the art *at the time of the claimed invention* because the *Jani* patent was published on March 3, 2005, almost a year *after* the filing date of the claimed invention. Those skilled in the art would not have had access to *Jani*, therefore it could not have suggested anything to those skilled in the art at the relevant time under §103.

Moreover, there is no teaching, suggestion, or motivation in the prior art to combine *Keller* with *Jani*. The Office Action states the motivation is "to utilize a business software system to use different formats without having to modify their code base." The problem confronted by the inventor must be considered in determining whether it would have been obvious to combine the references in order to solve that problem. The problem that Applicant's invention solved was the "need for a method for processing TLOGs that dynamically and efficiently utilizes network resources." See Applicant's specification at paragraph [0009]. By contrast *Jani* was concerned with the need for "a payment processing system and method that

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overcomes limitations of the present system." See *Jani* at paragraph [0005]. That is a completely different problem from that of the instant application. Therefore, those skilled in the art would not have been motivated to look to *Jani* for solutions to the problem that faced Applicant.

In addition, even if we assume for the sake of argument that the motivation were proper then *Jani* actually represents the failure of others in solving Applicant's problem because *Jani* does not solve Applicant's problem or it would be cited as anticipatory prior art. This failure is objective evidence of non-obviousness that must be considered. *Northern Telecom, Inc. v. Datapoint Corp.*, 908 F.ed 931 (Fed. Cir. 1990). Therefore, Applicant submits that claim 1 is allowable and respectfully requests that the rejection of claim 1 be withdrawn.

Claims 2 – 17 are dependent upon claim 1 and are allowable for at least the same reasons that their parent claim is allowable.

As to claim 18, the Office Action concedes that *Keller* does not teach "and for determining whether to process the raw data in the first node based on local processing conditions, wherein the local processing conditions comprise one of a need for the transformed data in the first node and a demand for processing in the first node during the period of time." The Office Action states that this missing element is taught by *Jani*. For the reasons stated above, *Jani* neither teaches nor suggests the missing element nor the combination suggested by the Office Action. Claim 18 therefore contains allowable subject matter and its rejection should be reversed.

Claims 19, 20, and 21 are dependent upon system claim 18 are therefore allowable for at least the same reasons that their parent claim is allowable.
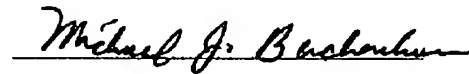
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Claim 22 is a program product counterpart of claim 1 and is therefore allowable for at least the same reasons that its counterpart claim is allowable.

Claim 25 is dependent on claim 23 and is therefore allowable for at least the same reasons that its parent claim is allowable.

For the foregoing reasons, Applicant respectfully requests allowance of the pending claims.

Respectfully submitted,

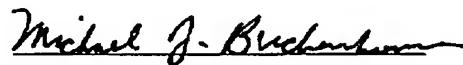Michael J. Buchenhorner
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Certificate of Facsimile Transmission

I hereby certify that this Amendment and Response to Office Action, and any documents referred to as attached therein are being facsimile transmitted on this date, **January 30, 2007**, to fax number 571 273-8300.

Michael J. Buchenhorner

Date: January 30, 2007

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